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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 CYCLONE USA, INC., a Nevada
11 corporation,

12 Plaintiff,

13 v.

14 LL&C DEALER SERVICES, LLC, a
15 California corporation; KOREAN
16 INDUSTRIAL DESIGN
17 CORPORATION, a Korean
18 corporation; SEI KIM, an individual;
19 and COFBEL CORPORATION, a
20 California corporation,

Defendants.

And Related Counterclaims and
Third-Party Complaint

Case No. CV 03-0992-AJW

FINAL JUDGMENT

Fed. R. Civ. P. 58

21 After a full trial on the merits on November 8, 2007, this Court found
22 Tornado Air Management System, Inc. (formerly known as Cyclone USA, Inc.)
23 (hereinafter “Cyclone”) liable for Sei Kim’s false patent marking claim pursuant to
24 35 U.S.C. § 292(a). On March 31, 2010, this Court entered a final judgment in this
25 action awarding Cyclone damages against Sei Kim in the amount of \$1,048,976.

26 Sei Kim appealed the amount in damages awarded to the Ninth Circuit Court
27 of Appeals which remanded the case for a calculation of Cyclone’s liabilities for
28 Sei Kim’s competitive injury under the newly amended 35 U.S.C. § 292(b) on
January 6, 2012. Currently pending before this Court is Sei Kim’s motion

[PROPOSED] FINAL JUDGMENT

Case No. 03-0992 WMB (JWJx)

1 requesting certain damages to compensate for its competitive injury resulting from
2 Cyclone's false patent marking violation.

3 The parties have now entered into a settlement agreement and submitted a
4 joint stipulation for final judgment to fully and finally resolve this action. The
5 parties have stipulated that a judgment may be entered in the amount of \$4,000,000
6 for Sei Kim's competitive injury resulting from Cyclone's 82,500 falsely marked
7 Tornado III devices under 35 U.S.C. § 292(b). The parties have further stipulated
8 that such amount should be offset by the \$1,048,976 previously awarded in favor of
9 Cyclone against Sei Kim. The parties have stipulated that a final judgment should
10 be entered in favor of Sei Kim against Cyclone in the amount of \$2,951,024.

11 THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that:

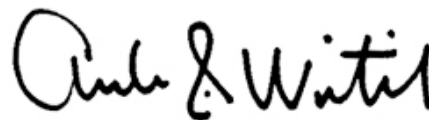
12 1. The sum of \$4,000,000 be awarded in favor of Sei Kim against
13 Cyclone for Sei Kim's competitive injury resulting from Cyclone's 82,500 falsely
14 marked Tornado III devices under 35 U.S.C. § 292(b).

15 2. The judgment in favor of Sei Kim is hereby offset by the \$1,048,976
16 previously awarded in favor of Cyclone against Sei Kim.

17 3. That a final judgment in the amount of \$2,951,024 be awarded in
18 favor of Sei Kim against Cyclone. This Order constitutes final judgment under
19 Rule 58 of the Federal Rules of Civil Procedure.

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21 IT IS SO ORDERED.

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23 Dated: 9/24/12



24 Honorable Andrew J. Wistrich
25 U.S. Magistrate Judge
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